

Amendment No. 1 to HB0633

Cobb
Signature of Sponsor

AMEND Senate Bill No. 237*

House Bill No. 633

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 29, Part 1, is amended by adding the following as a new, appropriately designated section:

4-29-1__.

(a) Any person who is appointed or otherwise designated to serve as a member of a state board, commission or other governmental entity subject to review pursuant to this chapter shall be subject to the following:

(1)

(A) Notwithstanding § 3-6-304 or any other law to the contrary:

(i) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6, prior to serving as a member of a state board, commission or other governmental entity, shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated or overseen by such state board, commission or other governmental entity. This subdivision (a)(1)(A)(i) shall

apply to persons appointed or otherwise designated to serve on a state board, commission or other governmental entity on or after July 1, 2011;

(ii) No person who is a member of a state board, commission or other governmental entity shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated or overseen by such state board, commission or other governmental entity during the person's period of service as a member. This subdivision (a)(1)(A)(ii) shall apply to persons appointed or otherwise designated to serve on a state board, commission or other governmental entity on or after July 1, 2011, and to persons serving on such date who are not registered as lobbyists; and

(iii) No person who serves as a member of a state board, commission or other governmental entity shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated or overseen by such state board, commission or other governmental entity for one (1) year following the date such person's service as a member ends. This subdivision (a)(1)(A)(iii) shall apply to persons serving on or after July 1, 2011, and to persons appointed to serve after such date.

(2) This subsection shall apply solely to state boards, commissions or other governmental entities that have statutory authority to direct, manage, supervise or conduct the affairs of an organization, entity, person or business.

(3) The ethics commission may administratively assess a civil penalty, not to exceed ten thousand dollars (\$10,000), if a lobbyist violates a provision of this subsection.

(4) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. Such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(b) Any person who is appointed or otherwise designated to serve as a member of a state board, commission or other governmental entity subject to review in accordance with this chapter shall be a resident of this state. This subsection shall apply to appointments made on or after July 1, 2011.

(c)

(1) Any person who is appointed or otherwise designated to serve as a public member, citizen member or at-large member of a state board, commission or other governmental entity subject to review in accordance with this chapter shall have no direct or indirect affiliation with any profession or industry that is regulated

or overseen by such state board, commission or other governmental entity. A member who violates this subsection shall be subject to immediate removal by the appointing authority.

(2) Nothing in this section shall preclude a public member, citizen member or at-large member of a state board, commission or other governmental entity subject to review in accordance with this chapter from serving if the spouse or a family member of such member has a direct or indirect affiliation with any profession or industry that is regulated or overseen by such state board, commission or other governmental entity.

(3) This subsection shall apply to appointments made on or after July 1, 2011.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.